

## ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 68B.32A, the Iowa Ethics and Campaign Disclosure Board hereby gives Notice of Intended Action to amend Chapter 9, "Complaint, Investigation, and Resolution Procedures," Iowa Administrative Code.

Iowa Code section 68B.32A(9) directs the Board to "establish and impose penalties, and recommendations for punishment" for persons who violate a law or rule under the Board's jurisdiction. The proposed amendments would permit the Board to resolve certain violations by imposing a civil penalty as opposed to initiating the full contested case process. The person subject to the imposition of a civil penalty would still be able to request a contested case proceeding to challenge the determination and would still be able to seek judicial review of a Board action.

The proposed amendments contain a waiver provision.

Any interested person may make written comments on the proposed amendments on or before June 23, 2009. Comments should be directed to Charlie Smithson, Iowa Ethics and Campaign Disclosure Board, 510 E. 12th Street, Suite 1A, Des Moines, Iowa 50319. Persons who wish to comment orally should contact Charlie Smithson at (515)281-3489.

These amendments are intended to implement Iowa Code sections 68B.32A(9) and 68B.32D.

The following amendments are proposed.

ITEM 1. Amend subrule 9.4(2) as follows:

**9.4(2) *Administrative resolution.*** Violations may be handled by administrative resolution rather than through the full investigative and contested case proceeding process. The board may order administrative resolution by directing that the person take specified remedial action. The board may also order administrative resolution by issuing a letter of reprimand or by imposing a civil penalty as set out in subrule 9.4(7).

ITEM 2. Adopt the following **new** subrule 9.4(7):

**9.4(7) *Civil penalty for violation.*** If the board determines that probable cause exists to believe that a violation of any statute or rule under its jurisdiction has occurred, except for a late-filed disclosure report, the board may order administrative resolution of the violation by imposing a civil penalty not to exceed \$500. A person assessed a civil penalty may appeal the decision by requesting within 30 days of the date of the correspondence informing the person of the board's decision a contested case proceeding to be held under the process set out in subrule 9.4(4).